

NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

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Philadelphia, Pa.

Reargument Heard in Palmer Case

Agnostic Denied Due Process

The conviction of Thomas De Lime was affirmed May 26 by the Third Circuit Court of Appeals in Philadelphia. De Lime received a one year sentence June 25, 1954, in Newark, N. J. for refusal to submit to induction. He had been free on bond while the appeal was pending.

Associate Justice John Harlan of the United States Supreme Court was one of the three judges who heard the appeal which was argued three days before Harlan was appointed to the Supreme Court. (See NEWS NOTES, December, 1954.) However, the opinion noted that he did not take part in the decision.

De Lime describes himself as an agnostic who does not believe in a Supreme Being "in the generally accepted sense." In his selective service form asking classification as a conscientious objector he crossed out the words "religious training and" so that his claim read, "By reason of belief I am conscientiously opposed to participation in war . . ."

After filing the C.O. classification questionnaire containing statements to the effect that he was a philosophical rather than a religious objector, De Lime consulted counsel about his claim. Upon being informed of the legal difficulties in being recognized as a C.O. on grounds other than those of an orthodox religious objector, De Lime attempted to convince his local board that he had not understood the legal interpretation of the draft terminology and that for him his position was religious.

The Third Circuit granted that De Lime's conviction would have been reversed if he had believed in a Supreme Being. The Court admitted "the failure of the Department of Justice to furnish the defendant with a fair resume of what adverse information it had."

In justifying this defect which has won acquittals for other objectors, the Court said that De Lime admitted he did not believe in a Supreme Being, "Consequently, the defendant's own uncontradicted statements demonstrate that his claim was not based on 'religious training and belief,' within the meaning of the statute. Therefore, he was not prejudiced by not receiving an adequate or fair resume of the FBI report."

In addition to the handling of the FBI report, Esther Frankel of Paterson, N. J., defense counsel, had challenged the unusual nature of the participation of the appeal agent in the De Lime personal appearance before the local board. The appeal agent had played the role of a prosecutor. The Court did not comment on this issue but dismissed it and other questions by saying, "The other points raised by the defendant do not require discussion."

Third Circuit Court of Appeals Sits En Banc for Second Hearing

At the request of the court, the seven judges of the Third Circuit Court of Appeals heard reargument on the Vail Palmer case in Philadelphia June 6. As on the first argument, Harrop Freeman of Cornell University represented Palmer, and Frank Tarbox, Assistant United States Attorney, represented the government.

Palmer is a Quaker who served a prison term for refusing to register and was then convicted for refusing to report for induction. He was fined \$500 and given three years probation on the second prosecution. Palmer is now serving as the Friends minister in Gonic, N. H.

Freeman noted Palmer's obvious eligibility for a number of classifications other than the I-A given him by the Media (Pa.) draft board. The jurisdiction of the board was questioned since Palmer was registered at Danbury, Conn., by the warden and because the board had disregarded a number of Selective Service Regulations.

The real legal hurdle in defending these second prosecutions is the general rule of law known as exhaustion of remedies. It is usually held in administrative law, of which Selective Service processing is a part, that the participants seeking relief must exhaust all remedies available administratively before a court will review the proceedings. Freeman, a professor of administrative law, argued that there are numerous exceptions which would allow an exception to the general rule in the Palmer case. Palmer and other nonregistrants have not sought administrative relief through appeals of arbitrary classifications given them.

Tarbox agreed that there had been bad judgment on the part of the local board and that the rule on exhaustion of remedies had been relaxed in some instances. He maintained that the rule had not been relaxed in draft cases, however, and that technically a man like Palmer could be sentenced to prison again and again.

The judges asked a great many questions of Tarbox on why the board acted in such an arbitrary manner and how far he would go with the government's contention that the court must support any arbitrary induction notice if the prospective inductee had not exhausted his remedies. The questions indicated considerable sympathy with Freeman's contention that conscience merited consideration in such cases.

If Palmer wins, the government will probably attempt to get the Supreme Court to hear an appeal. If Palmer loses, CCCO will carry an appeal.

Quakers View World Problems

DECLARATION OF FREEDOM

(By Elton Trueblood, 124 pp, Harper, 1.50)

SPEAK TRUTH TO POWER

(American Friends Service Committee, 71 pp, .25)

Two compact books by Quakers offering a solution to international problems were released on almost the same date. The coincidence did not end with the timing. Even the titles have a certain similarity as one "speaks" and one "declares." Many of the basic assumptions are the same, as might be expected. Each offers the reader the "only" solution. It is of more than passing interest that the "only" solution is not the same in both books.

Elton Trueblood is a professor of philosophy at Earlham College, now on leave to serve as Chief of Religious Information in the U. S. Information Agency.

Speak Truth to Power is the latest in a series of booklets produced for AFSC by study groups set up for the specific publication. The result is not an official statement of AFSC. For convenience in this review we will speak of it as an AFSC statement. The majority, but not all, of the study group are Quakers.

Elton Trueblood tells us, "The penetration of the whole earth by the ideal of a free society would bring to an end the tragic division of the world and it would bring it about in such a way as to be beneficent to all parts of mankind. It is, accordingly, the only solution which those who care about the human race, and care realistically, can accept."

AFSC states, "... we insist if Americans want to live and not die, if they want to lead the way toward a world where peace prevails and the miracles of science are put to work for man's benefit, and his destruction, they must face individually the need for an ultimate and fundamental break with violence. There is, we believe, no other way to eliminate the scourge of war."

Let's examine the basic agreement between the authors from which they diverge to "only" solutions. If this is confusing just be thankful there weren't three Quaker publications which came out together.

Both recognize the seriousness of the present international difficulties, call for personal discipline, and agree that there is no easy way out. "This solution may be slow and it may be costly..." reports Trueblood.

Radical? Trueblood agrees, "The free society is always and everywhere the revolutionary society."

Trueblood's book is almost entirely a reaffirmation of faith in democracy. AFSC says, "... we believe that democracy is the noblest philosophy of social organization that man has yet developed..."

There is agreement that the problem is and the solution must be moral in nature. "Once we have the moral position clear, political implications are bound to follow, but first we must get our moral philosophy straight... freedom, when analyzed turns out to be a moral ideal rather than a political one..." asserts Trueblood.

"Here, in two radically different forms of social organization, lies the moral basis for conflict between the democratic and communist worlds..." reports AFSC, and they list "moral reasons" first as the basis of the choice of nonviolence.

The importance of the individual is stressed. Trueblood says, "The only philosophy of life that is capable of sustaining these institutions in their complexity is one which is centered in the sacredness of personality."

Lapsing into a Quaker cliché, *Speak Truth to Power* states, "The American Friends Service Committee is deeply rooted in the faith that there is that of God in every man which gives him inalienable worth and dignity."

Justice is underscored as a basic ingredient of peace. Trueblood calls for "... the penetration of all the world by the dream of society that is both just and free."

AFSC declares, "... peace will not be for the strong, but for the just," then continues, "... there will neither be peace until men learn to be just, nor justice until men determine to renounce violence."

Strangely enough, it is on the renunciation of violence that the writers part company. Here we must examine the offered solutions individually.

Elton Trueblood is saying much the same thing he's said in previous books, but he says it well. He knows the roots of democracy, and his exposition of the meaning of equality is excellent. He calls for the freedom to learn, debate, worship, work, live, and serve.

We felt uncomfortable as he failed to say what he must know that violence is the antithesis of democratic spirit and process. He says, "The major hope for peace lies not in armaments, however important they are, but rather ideas."

Does that mean that arms can play a significant, even if minor, role in a "war" of ideas? Why does he also say, "The only way to meet a perverted faith is by the clarification and exemplification of a better faith..."

He says, "... peace, like life itself, can be bought at too high a price..." This is what the generals have told the Society of Friends for generations. Does he mean the same thing as the generals?

He suggests, "... we can become channels of God's universal love." Surely he doesn't mean with atom bombs.

We believe that Elton Trueblood is straining too hard in an attempt to be both right and popular. These books open each chapter with a quotation. Trueblood quotes people like Eisenhower, Washington, and Reinhold Niebuhr. AFSC turns to Woolman, Gandhi, and Matthew.

Elton Trueblood hopes and expects that violence will disappear in the face of a vital declaration of freedom. In the abstract he is correct. But he fails to tell us how to go about it, and he leaves us unconvinced that it is apt to happen in today's political climate. The fate of a concrete political development he mentions, the "wonderfully exciting project known everywhere as Point Four" tends to dampen our excitement.

AFSC and others in the past have tried this approach which attempts to correct our difficulties by tension relieving moves in the hope that violence will eventually wither away in international relations.

Speak Truth to Power is based on the assumption that violence must be renounced first, and then tensions will wither away. It is an outright pacifist alternative. Its "truth is an ancient one: that love endures and overcomes: that hatred destroys: that what is obtained by love is retained, but what is obtained by hatred proves a burden."

The truth is to be spoken to high officials, to the American people, and to the idea of power. How you speak to an idea is not clear to us.

AFSC moves through the explanation of nonviolence and the examples of its successes on to the political implications for the individual and the state. It is first of all a personal commitment which is required. The dedicated minority will affect the state. The state cannot be expected to change first.

"The course of history in this generation depends," says Elton Trueblood, "not on the inevitable movement of impersonal forces, but upon the nature of the dream which possesses us, upon our dedication to it and upon the courage with which we pursue it."

We commend to you the dream of *Speak Truth to Power*. It is the foundation which can give lasting support to a *Declaration of Freedom*.

Briefly Noted

The concluding paragraph of a story in the May issue of NEWS NOTES may have been misleading. It stated that aliens need not apply for permits from Selective Service to leave the country since they are automatically classified IV-C when out of the country. This is correct as far as the Selective Service Regulations and law are concerned. However, regulations of the Immigration Service require alien registrants to obtain the permit if they wish a re-entry permit (8 CFR 223.4).

* * *

Illinois has been one of the states which has been employing drafted conscientious objectors at a wage level lower than that of regular employees doing the same work. This discriminatory practice has now been ended by the Director of Public Welfare, so all I-W's in Illinois will receive the going rate of pay for the job done from now on.

Kansas is now the main offender in having an official policy of using C.O. labor at lower than prevailing rates.

* * *

Hayden Covington, general counsel for the Jehovah's witnesses, has won acquittals in more than seventy cases in the past year in defending C.O.'s accused of violating the draft law.

* * *

Another local board has quit in a huff after being unsuccessful in its attempts to railroad conscientious objectors into the army. The Moultrie (Ill.) County board resigned because the courts and selective service appeal procedures have prevented them from issuing valid induction orders to seven Harshmanite conscientious objectors. The Harshmanites have only one church. It is located near Sullivan, Ill.

Both parties to the dispute were acting on the grounds of conscience. The local board chairman said, "We can no longer draft Moultrie County boys with a clear conscience. We can't see Moultrie County boys sacrifice their time and lives while a group of Harshmanites evades service through legal maneuvering."

The sect's head stated, "We only ask the liberty to put obedience to Christ above obedience to government."

* * *

Nine drafted conscientious objectors have been getting nation-wide publicity for food experiments they are participating in under the direction of the Army. The men, all Mennonites, are on a diet of food which has been preserved by irradiation with atomic particles. It has been determined that such food is not toxic to animals, but this is the first experiment with persons. It is hoped that irradiation will prove a superior method of preserving foods.

* * *

Two especially good local C.O. counseling programs using CCCO materials have recently come to our attention. The New Haven (Conn.) Friends Meeting has been active in the community outside of its membership. They have used the CCCO notice to men of draft age with their name, the name of the New Haven Council of Churches C.O. committee, and the Yale Office for Selective Service

Whatever stand one may personally take in regard to war and military service, the member of a democratic society must recognize the dire consequences which flow from suppression of a minority point of view such as that represented by the Dotys. The spirit of toleration which is the hallmark of modern democracy is the common property of all of the community's members. Deny it to one and the pattern is established whereby it may be denied to others, with the result that the good faith necessary for the maintenance of democracy has been destroyed.

Like Thoreau, the Dotys have placed society in a position in which it must re-evaluate its policy, forcing it to consider the degree to which it can insist upon conformity in its citizens against the dictates of their consciences. In this sense it is no exaggeration to say that in insisting upon the right to their own freedom of conscience, they have performed a service for us all.

(Concluding paragraphs of an article on the Doty case printed in The Minnesota Daily, April 25, 1955.)

Klinteberg Prosecution Stalled

Sten Klinteberg, a Quaker student at Boston University, is back in court for a second prosecution for refusal to cooperate with the draft, but it looks as if the case may be dismissed after reprocessing by Selective Service. Klinteberg's first sentence was 90 days.

When Klinteberg appeared for trial it was worked out with the United States Attorney's office and the Massachusetts office of Selective Service for the classification to be reopened. Klinteberg agreed to supply relevant information for the draft board, although he will not prepare nor sign official Selective Service forms. This arrangement is similar to the one worked out in both court districts in Iowa which resulted in the dismissal of a number of second prosecution cases.

In a brief appearance before Judge William T. McCarthy in Boston a few days in advance of these arrangements, the judge denounced Klinteberg, defense counsel John Brooks, and conscientious objectors in general. Judge McCarthy was quoted as saying that if he had his way any fellow with such a streak of yellow up his back would be put on a desert island somewhere to vegetate. He then added that he'd give him a fair trial, anyway.

and Veterans Affairs. Among other projects, they've sponsored a TV interview of two C.O.'s.

The Friends Peace Committee in Philadelphia is sending a series of letters to young Friends and others interested in advance of their 18th birthday offering copies of the Handbook for Conscientious Objectors and other material so that there will be consideration of conscientious objection.

THE COURT REPORTER

I PROSECUTIONS

Sentence confirmed since last issue

Date ? John Bendik, 3 years, (New York, N. Y.)
Judge Connor

Sentenced since last issue

4-20-55 Albert Stain, 6 months (Portland, Ore.)
Judge McColloch (free on bond, appeal pending)

Appeal

5-26-55 Thomas De Lime, Conviction affirmed,
3rd Circuit Court of Appeals

Arrests

Indiana—Abraham Bontrager, Enos Yoder, Enos
Millet, Levi Lehman (refusal to perform
civilian work)

Massachusetts—Sten Klinteberg

(All prosecutions for refusal to report for or sub-
mit to induction unless otherwise noted.)

II RELEASED FROM PRISON

On appeal bond

3- -55 Nick Kaline
3- -55 Arthur Clark

On parole

6-10-55 Ronald Wrightsman
Date ? Eddie Powell
Date ? Orville Arnold

III MEN CURRENTLY IMPRISONED

Danbury, Conn.—John Bendik
Florence, Ariz.—P. A. Nazerooff
Milan, Mich.—Carl Nead, Peter Yoder
Mill Point, W. Va.—Clifton Campbell, Elmer
Yoder, Amos Mast

Seagoville, Tex.—Bill Passmore, William Moser
Springfield, Mo.—Clarence Bryan, Howard Rob-
erson, Burton Rosen, John Forbes, Ralph
Dorn, Harlan McCall, Richard Arnold,
Murray Scheel

Texarkana, Tex.—Paul Doty, Joel Doty, Sid Doty,
Orin Doty

Tucson, Ariz.—Fred Hildebrand, James Francy
Institution not verified—Nick Klubnikin

Total number of C.O.'s convicted since 1948 to
date: 293 (This is a minimum number, since
J.W.'s and Muslims are not included and we miss
a few.)

Hopis Face Difficulties

A delegation of six Hopi Indians from Arizona vis-
ited Washington the middle of May to discuss a number
of problems with government officials and representatives
of interested organizations. The group represented those
Hopis who are trying to preserve the traditional culture
of the tribe. A part of that culture is a belief in pacifism.

The Hopis assert that they have never signed any
treaty with the United States which limits their sovereign-
ty. They have never fought with the U. S., so they have
not been conquered by war. Therefore, they claim to be
independent of U.S. law and subject to their own laws,
even though the U. S. government disagrees.

The Hopis resent conscription, stock grazing restric-
tions on their land, the missionary attempts of some
Christian denominations, and compulsory education. The
resistance to the government has frequently caused rough
physical treatment and imprisonment for the Hopis. They
do not meet this treatment with violence because of their
pacifism. The delegation explained their religious be-
liefs in detail to staff members of the Friends Committee
on National Legislation, the National Service Board for
Religious Objectors, and the Central Committee for
C.O.'s. The Hopi faith developed independently of Chris-
tianity, although there was much similarity noted in-
cluding a story of an ancient flood which destroyed the
evil men at one time and the expected return of a "big
brother."

During World War II many Hopis were in prison
for refusing to register for the draft. They have no men
in prison at the present time. Selective Service has given
ministerial status to some of the young men who are
participating in carrying on the traditional Hopi religious
teachings. These ministerial classifications have helped
ease the draft problem.

The Hopis felt the need for technical information on
selective service, and that kind of assistance will be given
them through the cooperation of CCCO and other groups.

A basic problem of the Hopis is the same as that of
the historic peace churches and other pacifist organiza-
tions i.e., the difficulty of passing on a pacifist faith to
young people who are pulled in other directions by most
of the forces in the society around them.

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